

NOT FOR CITATION

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

HOA QUANG HA,) No. C 03-03828 JF (PR)
vs. Petitioner,) ORDER REOPENING HABEAS
GAIL LEWIS, Warden,) ACTION
Respondent.)

)

Petitioner, a state prisoner at the Pleasant Valley State Prison in Coalinga, California, filed a pro se petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 and a motion to stay the instant petition while he returned to state court to exhaust additional claims relating to his underlying state criminal conviction. The Court denied Petitioner's motion to stay without prejudice because it was unclear whether the claims set forth in the instant petition were exhausted. After Petitioner filed a response clarifying that the claims in the instant petition were exhausted, Petitioner also renewed his request to stay the instant petition while he exhausted his additional claim with the California Supreme Court. The Court concluded that Petitioner had shown good cause for such extension and granted the motion to stay the instant petition on March 7, 2007,

1 until thirty days after the state high state court's final decision on Petitioner's additional
2 claim. (See Docket No. 19.) Petitioner was instructed that he must file an amended
3 petition within thirty days of that decision, and that the amended petition must include the
4 caption and civil case number used in this order, No. C 03-003828 JF (PR), and must
5 include the words "AMENDED PETITION" on the first page.

6 On April 12, 2007, Petitioner filed an amended petition with the proper caption,
7 and indicates therein that the California Supreme Court denied his state petition on March
8 21, 2007. Accordingly, this action shall be reopened. The Court shall conduct an initial
9 review of the amended petition in a separate order.

10 The clerk shall reopen the file.

11 IT IS SO ORDERED.

12 DATED: 5/18/09



JEREMY FOGEL
United States District Judge

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

HOA QUANG HA,

Case Number: CV03-03828 JF

Petitioner,

CERTIFICATE OF SERVICE

v.

GAIL LEWIS, Warden,

Respondent.

/

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on _____, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Hoa Quang Ha
K-90907
Pleasant Valley State Prison
PO Box 8503
C-2-206-Up
Coalinga, CA 93210-8503

Dated: _____

Richard W. Wieking, Clerk